

ARGUMENTS

The Official Action rejects claims 1, 3, 5, 7, 9, 11, 16, and 21-24 under 35 U.S.C. 102(e) as being anticipated by U. S. Patent Publication No. 2002/0045154 to Wood et al., ("Wood"). Applicants submit that the Colquitt Declaration explains the differences between the cited reference as one of ordinary skill in the art understands the significance of the claim language. Accordingly, Applicants submit that the Colquitt Declaration provides evidence on the interpretation of the cited prior art and the claims in the present application, and compels the Examiner to withdraw the pending prior art rejections and place the application in a condition for allowance.

As previously noted, claim 1 requires "cross-referencing the responses relating to one of the plurality of attributes from at least two of the plurality of individual capability tests." The Official Action cites the Kiersey Temperament Sorter in Wood as teaching "cross-references to personality types or competencies. Applicant notes that this is just one test. The cross-referencing is just from input to output of one test. Accordingly, disclosure of the Kiersey Temperament Sorter fails to teach "cross-referencing the responses relating to one of the plurality of attributes from at least two of the plurality of individual capability tests." Furthermore, the Official Action cites "cross-referencing of trading history and click history [as] an example of correlating attributes from a plurality of individual capability assessments." However, claim 1 further requires that the tests which are being cross-referenced are tests that "each [have] a plurality of questions used to assess a plurality of attributes associated with at least one of the plurality of competencies." Accordingly, the "stock-trading" exercise is one where behaviors are being recorded. The "stock-trading" behavioral exercise is not a test having "a plurality of questions used to assess a plurality of attributes associated with at least one of the plurality of competencies." Accordingly, Wood fails to teach each and every limitation. This deficiency also applies to claims 5, 9, and 14. In that all claims depend from claims 1, 5, 9, and 14, all claims are believed to be in condition for allowance. Such allowance is respectfully requested.

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Reply to Office action of November 6, 2008

Additionally, claims 25-28 have been added which provide further limitations and further differentiate from the cited art. New claims 25-28 are also believed to be in condition for allowance. Such allowance is respectfully requested.

For all of the above reasons, Applicants submit that claims 1-28 **are in allowable form** thereby placing the application in condition for allowance. Applicants respectfully request allowance thereof.

Should any questions concerning any of the foregoing arise, Examiner is invited to telephone the undersigned at (317) 237-0300.

In the event that Applicants have overlooked the need for an extension of time or a payment of fee, Applicants hereby conditionally petition therefore and authorize that any charges be made to Deposit Account No. 02-0390, BAKER & DANIELS.

Respectfully submitted,

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